

BOARD OF CODE STANDARDS AND APPEALS

MINUTES

May 2, 2005

Members: Francisco Banuelos, Andy Bias, Randy Harder, Richard Hartwell, Bernie Hentzen, Ed Murabito, Warren Willenberg, Scot Wolfington, John Youle

Present: Banuelos, Bias, Harder, Hartwell, Hentzen, Willenberg, Wolfington, Youle

Absent: Murabito

Staff Members Present: Kurt Schroeder, Deb Legge, Maria Bias, Elaine Hammons

The regular meeting of the Board of Code Standards and Appeals was called to order by Chairman Wolfington on Monday, May 2, 2005, at 1:35 p.m. in the 1st floor Board Room, City Hall, 455 N. Main, Wichita, Kansas.

1. Approval of the Minutes from the April, 2005, meeting.

A motion was made by Board Member Hentzen, seconded by Board Member Banuelos, to approve the minutes of the April meeting as submitted. Motion carried.

2. Approval of the May, 2005, license examination applications (presented as an Off-Agenda item).

<u>Name</u>	<u>Class</u>	<u>Test Date</u>
Charles Dipman	Roofing/Siding	May, 2005

3. Request by Socora Village Company to obtain a second license as Socora Homes, Inc.

A motion was made by Board Member Hartwell to approve both the application for license examination for Charles Dipman, and the request by Socora Village Company to obtain a second license as Socora Homes, Inc. The motion was seconded by Board Member Willenberg. Motion carried.

4. Condemnation Hearings

Review Cases

1. 2917 East Stadium

Pablo Rodriguez appeared to represent this property.

Chairman Wolfington requested that the Board Members and the staff members introduce themselves to Mr. Rodriguez.

This property was first before the Board in May of 2004; it was brought before the Board again in July, September and November of 2004; and again in February and March of 2005. Mr. Rodriguez was present at the March, 2005, hearing. At that time, a motion was made to allow sixty days to complete the repairs to the exterior and to keep the premises clean and secure. If the repairs were completed in that time frame, there would be no need to reappear before the Board. The taxes are current. There is some construction debris, tree limbs and waste on the premises. The reroofing is complete; the attached garage has been partially resided; the structure is open, with some of the windows missing. One of the sheds has been removed, and one small metal shed remains on the property.

With Board Member Banuelos translating for Mr. Rodriguez and the Board, Chairman Wolfington asked Mr. Rodriguez what his plans were for the property.

Mr. Rodriguez stated that he is still working on the repairs. Since the last site inspection, he has replaced the windows and finished the siding. He intends to put in a garage door, which will eliminate the unsecured opening. He thought that an additional thirty days would be enough time to complete the required repairs to the structure and bring the property into code compliance.

A motion was made by Board Member Harder to allow thirty days to complete the repairs, keeping the property clean and secure, or reappear before the Board. Board Member Willenberg seconded the motion. Motion carried.

2. 635 West Hendryx

Joann Tejeda and Richard Chavez appeared before the Board to represent this property.

The property was originally brought before the Board in July of 2004, and again in September and November, 2004; and January and March of 2005. The last time it was before the Board was at the April, 2005, hearing when a motion was made to allow thirty days to make the required repairs, keeping the property clean and secure, or reappear before the Board.

The taxes are current. At the last site inspection, there was still junk and debris and bulky waste on the premises. Some plywood had also been installed on the rear addition.

Chairman Wolfington asked Ms. Tejeda and Mr. Chavez to bring the Board up to date on the progress on the property.

Mr. Chavez stated that he needed additional time to side the structure and replace some of the windows. He said that the family had already begun scraping the structure in preparation for painting. He expected to be able to complete the work by the end of the summer, weather permitting.

Ms. Tejeda told the Board that the small storage shed had already been painted and reroofed. The old debris on the premises had been cleared away, and the debris currently on the lot was construction debris created by the work being done.

Board Member Bias asked if there was steady work being done. Mr. Chavez explained that they were only able to do the work on weekends.

Chairman Wolfington inquired if the structure was secure. Mr. Chavez replied that it was secure, and Ms. Tejeda assured the Board that the building would not be occupied. Ms. Tejeda indicated that she intended to speak to Ms. Legge about having the building declared an accessory structure for storage only.

Board Member Hartwell made a motion to allow sixty days to complete the repairs. The motion was seconded by Board Member Bias. Motion carried.

3. and 4. 772 North St. Paul and 772 ½ North St. Paul

These properties were represented by Lillian Coleman and Brigitta Christner.

These properties were first before the Board at the March, 2005, hearing and then again at the April, 2005 hearing. At the April hearing, a motion was made and approved to allow thirty days to get the delinquent taxes paid, bring the property into code compliance and have the property inspected by Central Inspection.

At the last visual inspection, the premise condition was fair. The structures were secure, and no additional repairs had been made. The taxes for 2002, 2003, 2004 were still delinquent in the amount of \$3,021.50 for both structures.

Ms. Coleman informed the Board that in the previous month she had made a \$100 payment on the balance of the delinquent taxes. She said that she would be making another \$100 payment after her appearance at the Board meeting.

Ms. Coleman said that a staff member in the Sedgwick County Clerk's Office said that as long as Ms. Coleman made payments, that would suffice. She said that she also had paperwork that would transfer the property to her older brother. Her older brother had indicated to her that his plan was to raze the dilapidated structures and construct new buildings. She told the Board that the premises had been cleared of all debris and mowed since the last site inspection. Ms. Christner added that a small amount of brush that would not fit on the truck that had been hired to haul it away remained on the property, but that it would be disposed of as well.

Board Member Youle inquired whether the City would be in agreement with the arrangements that Ms. Coleman had made with the Sedgwick County Clerk's Office for paying the delinquent taxes. Mr. Schroeder agreed that the arrangements would be satisfactory from the City's standpoint.

Board Member Youle made a motion that the property be returned to regular code enforcement. The motion was seconded by Board Member Hentzen. Motion carried, unopposed.

New Cases

5. 1223 North Ohio

No one was present to represent this property.

This is a one-story frame dwelling, approximately 33 x 66 feet in size. It is a vacant structure with a shifting and cracking concrete block foundation; missing roof shingles; broken and missing siding shingles; cracking front porch; and rotted fascia and wood trim.

On October 24, 1997, an active file was initiated on this property. Since that time, there have been numerous Notices of Improvement and Notices of Violation issued to the owner. A Pre-condemnation Letter was issued on March 18, 2005.

Board Member Harder made a motion that the property be referred to the City Council for ten days to start demolition and ten days to complete demolition. Board Member Willenberg seconded the motion. Motion carried.

6. 1155 North Spruce

Barbara Schubart? appeared before the Board as a representative of the property formerly owned by her deceased mother, Veronica Hankins.

Chairman Wolfington requested that the Board Members and City Staff introduce themselves since it was Ms. Schubart's first appearance.

This is a one and one-half story building approximately 30 x 60 feet in size. It is vacant and open; the structure has a cracking block foundation; deteriorating and missing siding; a deteriorated roof; a deteriorated front porch; deteriorated wood trim; the 5 x 8 feet accessory shed is dilapidated.

The active file was started on this property on August 27, 2002, with a Notice of Improvement. A Notice of Violation was issued on January 21, 2003. No response was received on either notice. On April 28, 2004, a Uniform Criminal Complaint was filed; eventually, a plea of "no contest" was entered and a fine was levied. A Pre-condemnation Letter was issued on January 24, 2005; there was no response. Formal condemnation action was initiated on March 18, 2005.

The taxes are current on this property. There are tires, trash, bulky waste, tree limbs and debris on the premises. At the last site inspection, there was also a vehicle for sale in the driveway. The structure is secure.

Chairman Wolfington asked Ms. Schubart to disclose her plans for the property to the Board.

Ms. Schubart said she would have to ascertain what her options were in the handling of the property. If the structure could be refurbished, Ms. Schubart said that she would prefer to restore it; that possibility would be determined once she had the opportunity to evaluate the condition of the building and the expense involved in making the necessary repairs. The property has not been through the probate court following the recent death of her mother, and that prohibits any definite planning on Ms. Schubart's part until the legal aspects have been resolved.

In response to Chairman Wolfington's inquiry of whether she would be willing to clean up the premises, Ms. Schubart said that she intended to do that and make sure that the structure was secured.

Board Member Youle made the motion to allow ninety days for the site to be cleared of debris and trash, the building secured, and a copy of the required improvements to be obtained, and for Ms. Schubart to return to give the Board an update on the probate process. The motion was seconded by Board Member Bias. Motion carried.

7. 1135 North Piatt

Representing this property, Anthony Griffith appeared before the Board.

This is a one-story frame dwelling approximately 30 x 45 feet in size. It has been vacant for at least two years. The structure has a cracking and shifting block foundation; it has broken and missing siding shingles; the roof is deteriorated; the concrete front porch is bowing and cracking; there are exposed framing members and rotted wood trim.

On September 19, 2002, an active file was started on this property with a Notice of Improvement. There was no response to the notice. A Notice of Violation was issued on February 19, 2003; a Pre-condemnation Letter was issued on July 8, 2003; on August 16, 2004, another Notice of Violation was sent to the owner of record. On January 25, 2005, a Pre-condemnation Letter was issued. No response was received to any of the notices.

The taxes for 2001, 2002, 2003, and 2004 are delinquent in the amount of \$1,067.38. There is trash, debris, bulky waste, tree limbs, and brush on the premises. There have been no repairs made to the property. The gable above the porch roof is open; however, the lower portion of the structure is secure.

Mr. Griffith said that he was unaware of the previous correspondence. He explained that he did not live in the city and that his nephews had been living in the house. He said that he happened to go by the site that morning because a neighbor of the property had called to apprise him of some broken tree limbs. Upon arriving at the property, he discovered a letter notifying him of the hearing scheduled for May 2, 2005. He said he contacted Ms. Legge, who told him that he needed to attend the meeting.

He told the Board that his intention was to pay the delinquent taxes and bring the property into code compliance within the next sixty to ninety days. Board Member Hartwell questioned why Mr. Griffith had not responded to any of the previous notices. Mr. Griffith replied that he had never received the correspondence from his nephews, who had occupied the house. Chairman Wolfington asked if anyone was still living in the dwelling. Mr. Griffith answered that no one was currently living at the premises.

Board Member Harder made a motion to allow sixty days to pay the delinquent taxes and to get the premises cleaned and secured. The motion was seconded by Board Member Hentzen. Motion carried.

8. 1735 North Erie

There was no one appearing before the Board to represent this property.

This is a one-story frame dwelling approximately 26 x 38 feet in size; it has been vacant for three years. The structure has a badly cracking and shifting concrete

foundation with displaced basement walls; the concrete front porch is extremely deteriorated; the wood trim is also deteriorating.

An active file was started on this property on February 10, 2000; several notices were issued on this property.

A motion was made by Board Member Harder to send the property to the City Council for ten days to start demolition and ten days to complete demolition. The motion was seconded by Board Member Willenberg. Motion carried.

9. 317 South Dodge

Francis Buckman appeared in behalf of this property.

This property is a two-story frame dwelling approximately 18 x 36 feet in size. It has been vacant for at least five years. This structure has deteriorated vinyl and wood lap siding; rotted flat roof with holes; rotted framing members; deteriorated wood front porch; rotted and missing soffit fascia and wood trim; the interior has been partially gutted.

The active file was started in April of 2000; over the course of the last several years, the owner had been sent numerous notices of violation. The response was that the owner requested additional time to make repairs. The taxes are current. There is a small amount of junk and debris on the premises. No repairs have been made. The structure is currently secure. There was a previous condemnation case on this property in 1995.

At Chairman Wolfington's request, Mr. Buckman informed the Board of his plans for the property. Mr. Buckman explained that he had made arrangements with a contractor to have the flat roof torn off and repaired and to have the siding repaired. He said that he would like an additional sixty days to have the repairs made. Although he had a buyer at one time, Mr. Buckman said that the individual had backed out of the agreement. There is a currently a potential buyer for the property; however, Mr. Buckman said he is going to make sure the necessary repairs are made in the meantime.

Board Member Youle made a motion to allow sixty days for the completion of the repairs, maintaining the premises in a clean and secure condition. Board Member Harder seconded the motion. Motion passed.

10. 1122 South Richmond

Although the owner was not present at this hearing, Ms. Legge informed the Board that the owner had contacted the Central Inspection staff to ask what the

requirements would be for razing the structure. The owner has had the sewer sealed off, and the gas has been capped. Ms. Legge told the Board that the property owner intended to have the structure demolished as soon as the electrical connection was terminated. The property is secure.

A motion was made by Board Member Bias to allow sixty days for the owner to either complete the necessary repairs or demolish the building. The motion was seconded by Board Member Youle. Motion carried.

11. 1449 South Waco

There was no one present to represent this property.

A two-story frame dwelling, this property is 20 x 36 feet in size. The structure is vacant with rotting and missing composition siding; the roof is deteriorated; the wood staircase is also deteriorated and hazardous; there are rotted rafter tails and wood trim.

The active file was initiated on September 16, 2004; a Notice of Improvement was sent but received no response. A Notice of Violation was issued on November 29, 2004, along with a Pre-condemnation Letter; there was no response.

The taxes for 2003 and 2004 are delinquent in the amount of \$884.12. There are tall grass and weeds on the site.

Board Member Harder made a motioned that the property be sent to the City Council for demolition action, ten days to start and ten days to complete demolition. Board Member Willenberg seconded the motion. The motion passed unanimously.

12. 1820 South Ellis

There was no one attending the hearing to represent this property.

This one-story frame dwelling is approximately 21 x 33 feet in size. Vacant for at least two years, it has a deteriorating and shifting block foundation; there is missing and deteriorating stucco siding; the roof is deteriorating and has holes in it; the wood front porch is rotting; the enclosed rear porch is deteriorating; there is rotted wood trim. Additionally, the 6 x 8 accessory building is deteriorating.

A motion was made by Board Member Youle, seconded by Harder, to send to property to the City Council for demolition action, ten days to start and ten days to complete demolition. The motion passed unopposed.

“Unfit for Habitation” Case

1. 2001 North Minneapolis

This property was originally an active housing case started by the area inspector. Occupied, it was designated as “unfit for habitation” after a car struck the dwelling, causing extensive damage to the framing members. The property owners, who live out of state, did not respond to any notices issued by the Office of Central Inspection. A letter was sent to the owners informing them that the property was deemed “Unfit for Habitation.” The property owners then hired a contractor to make the necessary repairs on the structure. It is currently in the process of being repaired.

Ms. Legge told the Board that the owner had contacted her and explained that there were mitigating circumstances regarding the insurance carriers. The owner of the vehicle reported that the car had been stolen, and during the time when the damage occurred to this property, the vehicle was not in the owner’s possession. The insurance company for the vehicle owner has been reluctant to pay for the repairs. The property owner has since filed a claim with the insurer of the property to initiate the repairs.

Although there are other minor housing code violations, Ms. Legge told the Board, however once the major structural damage was repaired, the house would be handled by regular code enforcement.

Board Member Hartwell made a motion to allow thirty days to complete the repairs of the exterior. The motion was seconded by Board Member Harder. The motion carried.

The meeting was adjourned at 2:17 p.m.